

REMARKS

Additional remarks are set forth below with reference to the numbered paragraphs in the Office Action.

Rejection of Claims 1-12 Under Nonstatutory Double Patenting

Claims 1-12 are rejected on the ground of nonstatutory double patenting over Claims 1-7 of U.S. Patent No. 6,448,223 in view of Hori-O *et al.*, Journal of Biological Chemistry, 270(43) 2572-25761 (1995). The Examiner states that the subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: methods for treating a condition characterized by activation of the inflammatory cytokine cascade comprising administering an amount of an HMG1 antagonist antibody.

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to obviate an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is commonly owned with this application.

A Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent with a Statement Under 37 § CFR 3.73(b) in compliance with 37 C.F.R. § 1.321(c) is being filed concurrently herewith. Applicants believe Claims 1-12 are otherwise in condition for allowance.

Reconsideration and withdrawal of the rejection is respectfully requested.

Provisional Rejection of Claims 25-28 Under Nonstatutory Obviousness-type Double Patenting

Claims 25-28 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting over Claims 13-31 of copending Application No. 10/300,068 in view of Hori-O *et al.*, Journal of Biological Chemistry, 270(43) 2572-25761 (1995). The Examiner states that the subject matter claimed in the instant application is fully disclosed in the prior application and is covered by the prior application since the prior application and the instant application are claiming common subject matter, as follows: methods for treating a cardiovascular disease

characterized by activation of the inflammatory cytokine cascade comprising administering an amount of an HMG1 antagonist antibody.

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to obviate an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is commonly owned with this application.

A Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application in compliance with 37 C.F.R. § 1.321(c) is being filed concurrently herewith. Applicants believe Claims 25-28 are otherwise in condition for allowance.

Reconsideration and withdrawal of the rejection is respectfully requested.

Allowance of Claims 13-24

Applicants thank the Examiner for indicating that Claims 13-24 have been allowed.

CONCLUSION

In view of the above remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Kristin Connarn

Kristin A. Connarn

Registration No. 57,025

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

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